

21 November 2002

Via FCC Web

Federal Communications Commission
Washington DC

Subject: Comment on Docket 02-278

Dear Commissioners:

I am writing in response to your Request for Comment, Docket 02-278, pertaining to proposed changes to Rules, Regulations and Implementation of the Telephone Consumer Protection Act (TCPA) 1991.

First, the existing provisions and regulations of the TCPA 1991 are insufficient. While some states' regulations have improved upon citizens' protections most are also insufficient. The existing TCPA was a good start but non-citizen parties too heavily lobbied it that the resulting law was too weak to properly protect the citizens.

Second, all federal, state and local laws should **increase** citizens' privacy not reduce it.

Third, businesses and organizations have demonstrated that they **cannot** police themselves in this matter.

Fourth, I, like most citizens, pay high monthly rates for my telephone services. **All** unsolicited telephone calls are an unauthorized and uncompensated use of the services for which I alone have paid.

Fifth, I should be the only one to initiate a solicitation, even from those businesses and organizations I associate with.

Sixth, citizens' ability to prosecute TCPA offenders is nearly zero. Like many federal and state regulations the law in itself is not sufficient to deter violation and the states' and federal enforcement is nearly nonexistent for individual citizens.

I propose the following improvements:

First, implement a national Do Not Call List. Do not prevent states from implementing their own. However, if a national list is implemented there may be no need for others, as long as the federal regulations restricting unsolicited calls are sufficient.

Second, eliminate by federal regulation or law **all** unsolicited telephone calls. This includes elimination of those calls from political parties and organizations, not-for-profit and charitable organizations not currently prohibited. This will return the control back to the citizen of how, by whom and when their telephone is used.

Third, make the penalties for violation extremely high in order to establish a deterrent and increase interest on behalf of individual citizens by private, state and federal entities for prosecution of violators.

Fourth, your decisions, in this and all other FCC matters, should represent the individual citizen and not big business.

Respectfully,

Richard A. Painter